

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

DPH HOLDINGS CORP, *et al.*,

Reorganized Debtors.

: Chapter 11
: Case No. 05-44481 [RDD]

: Jointly Administered

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DELPHI AUTOMOTIVE SYSTEMS, LLC,

Plaintiff,

: Adv. Pro. No. 07-02744 [RDD]

v.

REPUBLIC ENGINEERED PRODUCTS,

Defendant.

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AFFIDAVIT OF DOUGLAS L. LUTZ

STATE OF OHIO)
COUNTY OF HAMILTON) SS
)

I, Douglas L. Lutz, being first duly cautioned and sworn, depose and say of my own personal knowledge the following:

1. I am a member of the law firm Frost Brown Todd LLC, 2200 PNC Center, 201 East Fifth Street, Cincinnati, Ohio 45202. I am familiar with the adversary proceeding commenced against Republic by Delphi Automotive Systems, LLC, Adversary Proceeding No. 07-02744 (the "Adversary Proceeding").

2. On October 8, 2005, Delphi and certain of its subsidiaries (the "Initial Filers") each filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code. On October 14, 2005, three additional U.S. subsidiaries of Delphi (together with the Initial Filers, the "Debtors") filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code.

3. On August 6, 2007, February 28, 2008, April 10, 2008, and October 2, 2009, the Debtors filed motions (collectively, the "Extension Motions") which sought permission to,

among other things: (a) toll the statute of limitations by asking for an extension of time to serve the complaint filed in the Adversary Proceeding and a stay of the Adversary Proceeding until service of process was effected; and (b) file certain adversary proceeding complaints, including the complaint filed in the Adversary Proceeding, under seal. On August 16, 2007, March 28, 2008, April 30, 2008, and October 22, 2009, this Court entered orders granting Extension Motions (collectively, the "Extension Orders").

4. Although Republic is listed on the affidavits of service filed in connection with the Extension Motions and the Extension Orders as receiving service of such pleadings, Republic asserts that it did not receive sufficient notice of the Extension Motions or the Extension Orders. Republic sold its claim against the Debtors prior to the Extension Motions being filed and the Extension Orders being entered. Accordingly, Republic no longer had an interest in the Debtors' bankruptcy proceedings. Furthermore, Republic was not named in any of the Extension Motions or the Extension Orders, and had no reason to believe it was the subject of the Extension Motions or the Extension Orders.

5. Republic had no knowledge of the Adversary Proceeding until it was served with a summons and complaint on April 2, 2010.

FURTHER AFFIANT SAYETH NAUGHT.

(Signature Page Follows)

(Signature Page to Lutz Affidavit)

Douglas L. Lutz
Douglas L. Lutz, Esq.

Douglas L. Lutz

Subscribed and sworn to before me by Lutz on this 12th day of July, 2011.



Lindsey Fernow Baker, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

Lindsey F. Baker
Notary Public
Commission expires: _____